

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

JOHN DOE,

Plaintiff,

v.

C.A. No.: 1:19-cv-326-JJM

PROVIDENCE COLLEGE,

Defendant.

**DEFENDANT’S RESPONSE TO PLAINTIFF’S MOTION TO PROCEED
UNDER A PSEUDONYM**

Defendant, Providence College (the “College”), responds to Plaintiff’s motion to proceed under a pseudonym.

The College and its counsel are familiar with the Court’s practice of allowing plaintiffs in lawsuits challenging a sexual misconduct disciplinary process to proceed under a pseudonym. In recognition of the Court’s allowance of pseudonym usage, the College will not object to Plaintiff litigating as “John Doe” at this time.

The College requests that the Court follow the New Hampshire Federal District Court’s ruling in John Doe v. Trustees of Dartmouth College, Civil No. 18-cv-040-LM, 2018 U.S. Dist. LEXIS 74066, at *18 (D.N.H. May 2, 2018), where it allowed the usage of a pseudonym during pretrial proceedings subject to reevaluation in the event that the litigation reached trial. Similarly, in a case before the Court (John Doe v. Brown University, C.A. No. 15-144-WES), Chief Judge Smith questioned the propriety of allowing the plaintiff to appear at a jury trial under a pseudonym. The case settled on the eve of the scheduled trial before the Court ruled on the issue. In another case (John Doe v. Brown University, C.A. No. 16-17-WES), the Court required the plaintiff to be sworn in under his actual name when he testified during the bench trial. Trials are public

proceedings, and significant prejudice could impact the College if Plaintiff appears under pseudonym before a jury.

By not objecting at this time, the College is not waiving its right to ask the Court to revisit this issue during the course of further proceedings, including at the time of trial, if the College believes that circumstances have changed and/or it is disadvantaged or prejudiced by Plaintiff's pseudonym usage.

PROVIDENCE COLLEGE

By Its Attorney,

/s/ Steven M. Richard
Steven M. Richard (#4403)
Nixon Peabody LLP
One Citizens Plaza, Suite 500
Providence, RI 02903
Tel: 401-454-1020
Fax: 401-454-1030
srichard@nixonpeabody.com

Date: June 19, 2019

CERTIFICATION

I hereby certify that on the 19th day of June, 2019, this response was electronically filed and served via the Court's CM/ECF system.

s/ Steven M. Richard